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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,880	11/06/2001	Andrew Hamilton	003636.0131	4508

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EXAMINER

VO, TED T

ART UNIT	PAPER NUMBER
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2192

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/985,880

Applicant(s)

HAMILTON ET AL.

Examiner

Ted T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-12, 16-24 and 28-36 is/are allowed.
- 6) ☐ Claim(s) 1-3, 13-15 and 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

1. This action is in response to the amendment filed on 06/30/2005.
Claims 1, 4, 13, 16, 25, 28 are amended.
Claims 1-36 remain pending in the application.

Response to Amendment

2. Applicants' amendment and arguments have been fully considered.

With respect to Applicant's arguments to claims 1, 13, and 25 in the Remarks filed on 6/30/05, especially Applicants argue the Okuda does not disclose a method and system that utilize a run-time engine in a mobile wireless client device to create *screen definitions associated with an application program at run-time* .

Examiner respectfully responds:

First of all, it is not clear what the function of "associated with".

Furthermore, it should be noted that Applicants claim broadly a "mobile wireless client device", and/or a "client device". Every computer is read to such a device. Every computer screen has its own screen definition. In the art, this screen definition is standardized. A browser in windows is adaptable to the screen definition to give viewing to a user. For example, if Okuda uses Microsoft Windows, a manufacture of CE windows (only the example), the Microsoft incorporation provides every software application such as a browser would fit to the computer screen.

Secondly, the scope of the method and the system as claimed is "for executing application program"; thus, the whole recitation, "*executing said at least one application program by said run-time engine in said mobile wireless client device to create screen definitions associated with said at least one application program at run-time*" is the step of executing a program. The phrase "*to create screen definitions associated with said at least one application program at run-time*" is only programming that is

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programmed to executed in a particularly task. Any program is has it own task. Therefore, claiming the method of execution applications is the scope of the claim, and the application program having function to create screen definitions is only the intended use of the executed application program.

A standard screen must comply with screen definitions; and thus a screen of the Client in the Figure 2, web browser/windows, is associated with a manufactory that provides the screen device fitted with the screen definitions so that every view transmitted from a server will fit in the Client's screen.

With regards to Applicants' argument to the rejection of Claims 2, 3, 14, 15, 26, and 27 over Okuda in view of Microsoft. Examiner would respectfully respond that, Claims 1, Claim 13, and 25, include "screen definition", but Claims 3, 15, 27 etc., do not claim screen definition. Furthermore, even the claims are limited to a wireless device; this term would not exclude a device such as a standard computer.

These Claims are read over Okuda as reasons above in view of Microsoft. It should be noted that standard computer windows read the limitation of these claims as given in the action below, Okuda simply reminds that such a Run-time engine is used in a computer, and CE reminds that to run an application, a program must be registered. The Windows CE operating system provided with a remote registry editor that would display icons configured to represent at least one application program in response to configuration of the registry. Doing so would conform to requirement of a standard window operating system for registering a program before participating an operation.

Applicants' arguments of Claims 1,13, 25 over Okuda and of Claims 2, 3, 14, 15, 26, 27 over Okuda in view of Microsoft have been fully considered, but not persuasive. Claims 4-12,16-24 and 28-36 are allowed because the amendment directs to the allowable subject matter in the prior Office action. The amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-2, 13-14, 25-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 13, and 25 recite the limitation "associated with said at least one application program" in the context of "executing said at least one application program by said run-time engine in said mobile wireless client device to create screen definitions associated with said at least one application program at run-time". The functionality of the recited limitation is unclear. The statute of 35 U.S.C. 112, second paragraph, requires the limitation pointing out and distinctly claiming the subject matter which the applicant regards as his invention. In this situation, "associating" has only a general meaning of joining, it does not point out what the functionality/ subject matter of the recited limitation. Therefore, the claims are indefinite because the recited limitation is vague. To expedite the examination, the functionality of the recited limitation is interpreted as a standard of screen operating system, provided by client computer's manufactory to cause screen fitting.

Claims 2, 14, and 26 are indefinite because they are dependent on the indefinite Claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1, 13, and 25 are rejected under 35 U.S.C. 102(a) as being anticipated by Okuda et al, "A Dynamic Flexible Grouping over CORBA-based Network and its Application to Mobil Computing, 3-2000 ACM.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: Okuda discloses,

"A method for executing application programs, comprising:

receiving at least one application program in a in a mobile wireless client device (See distributed objects, CORBA, or JAVA, Java applet shown and listed in section that received by an API as shown in Figure 2; see CLIENT 'mobile wireless client device' represented in CORBA-base network because this network support mobile device such as mobile phones/pagers (See section 2.2, item (5)));

activating said at least one application program in said mobile wireless client device (See Figure 2, Event scheduler, API, particularly see definition of CORBA API, section 3, the fourth bullet);

instantiating a run-time engine in said mobile wireless client device (See Figure 2, "Local DFG runtime");

and

executing said at least one application program by said run-time engine in said mobile wireless client device to create screen definitions associated with said at least one application program at run-time (See Figure 2, the DFG Runtime are incorporated with Java API, and see section 3, the tenth bullet, 'DFG

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system can support Netscape Navigator/Microsoft Internet Explorer which fits in its *screen definitions at run-time*).

As per Claims 13 and 25: Claims 13 and 25 have the limitation corresponding to functionality performed by the method of Claim 1. Claims 13 and 25 are rejected in the same reason set forth in connecting to the rejection of Claim 1.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-3, 14-15, 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft.com (hereinafter: Microsoft), "The Windows® CE SDK- The Tools You Need to Program the Handheld PC", Microsoft Systems Journal, 4-1997.

Given the broadest reasonable interpretation of followed claims in light of the specification:

As per Claim 2:

-Okuda does not disclose the limitation recited in Claim 2.

-Microsoft discloses, *registering said at least one application program with an operating system of said client device; and displaying an icon configured to represent said at least one application program in response to said registration* as providing a remote registry editor in a CE window (See Figure 5).

Okuda suggests such combination because they show a Client; simply a Client is a standard mobile computer and a computer is always installed with a WINDOW operating system such as Window CE.

-Therefore, it would be obvious to ordinary in the art to incorporate the Client browser as shown in Figure 2 of Okuda, with an a Windows CE operating system provided with a remote registry editor that would display icons configured to represent at least one application program in response to configuration of the registry. Doing so would conform to requirement of a standard window operating system for registering a program before participating an operation.

As per Claims 14 and 26: Claims 14 and 26 have the limitation corresponding to functionality performed by the method of Claim 2. Claims 14 and 26 are rejected in the same reason set forth in connecting to the rejection of Claim 2.

As per Claim 3:

-Okuda discloses,

"A method for executing application programs, comprising:

receiving at least one application program in a client device;

activating said at least one application program;

instantiating a run-time engine;

executing said at least one application program by said run-time engine (See Rationale in Claim 1);

Okuda discloses, "executing a GO method by said run-time engine (See "Java API" in Figure 2. See page 694, section 3, fifth bullet, 'invoking function').

-Okuda does not disclose the limitation recited in Claim 2.

-Microsoft discloses, *registering a process identification corresponding to said activated said at least one application program*" as providing a remote registry editor in a CE window (See Figure 5).

Okuda suggests such combination because they show a Client; simply a Client is a standard mobile computer and a computer is always installed with a WINDOW operating system such as Window CE.

-Therefore, it would be obvious to ordinary in the art to incorporate the Client browser as shown in Figure 2 of Okuda, with an a Windows CE operating system provided with a remote registry editor that would display icons configured to represent at least one application program in response to configuration

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of the registry. Doing so would conform to requirement of a standard window operating system for registering a program before participating an operation.

As per Claims 15 and 27: Claims 15 and 27 have the limitation corresponding to functionality performed by the method of Claim 3. Claims 15 and 25 are rejected in the same reason set forth in connecting to the rejection of Claim 3.

Allowable Subject Matter

9. Allowable subject matter of Claims 4-12, 16-24 and 28-36

Claims 4-12, 16-24 and 28-36 are allowed because the independent Claims of these Claims are rewritten in independent form including all of the limitations of the base claim and any intervening claims in accordance to Allowable subject matter in the prior action.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ted T. Vo
Primary Examiner
Art Unit 2192
September 16, 2005